IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6872 of 2005

Between:

Smt. G. Vijayamma, W/o. Late Venkataiah,
R/o. 2/241-A, R.S. Road, Rajampet, Cuddapah District.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.
2 The Superintendent of Prohibition and Excise, Cuddapah, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent authorities in not continuing the licence of IL-24 bearing its No. 61/98-99 of the petitioner for the period 01-04-2005 to 31-06-2005, as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and contrary to the provisions of Rule 40 of A.P. Indian Liquor and Foreign Liquor rules, 1970, and further directing the respondents to extend the Licence of the petitioner forthwith by setting aside the orders of the 2nd respondent vide Rc.No. B2/463/2004, dated 29-03-2005 and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

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THE HON'BLE SRI JUSTICE D.S.R. VARMA

WRIT PETITION NO. 6872 OF 2005

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that as per the new Excise Policy, the term of the present licenses has been extended by three months on usual terms and conditions. But it appears that the second respondent refused such extension of license to the petitioner, by an order dated 29-3-2005. Challenging the said order, the petitioner filed this writ petition.

The order impugned, prima facie, is incomprehensible. In view of the policy of the Government, and having regard to the facts and circumstances of the case, it is desirable to implement the said policy uniformly, except in exceptional cases. No such exceptional circumstances are forthcoming. Hence, as per the policy of the Government, the licence of the petitioner is to be extended for three more months on par with other licensees.

Therefore, the order passed by the second respondent dated 29-03-2005 is set aside and the second respondent is directed to consider the case of the petitioner for extension of her licence.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

31-03-2005

Note:

Issue operative portion of the

Order by wire at party's cost.

B/0

KVSN

To

1 The Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.

2 The Superintendent of Prohibition and Excise, Cuddapah, Cuddapah District.

3 Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.

4 Two CD copies.